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United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

(01) DAVID BODER
(02) CASEY ROBERT KNASE
(03) FRANK EDWARD POPESH

CRIMINAL COMPLAINT

Case Number:

10-mj-441 JK

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: On or about October 18, 2010, in Chisago and Carlton Counties, in the State and District of Minnesota, Defendants did unlawfully, knowingly, and intentionally conspire with each other and with others to possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine,

in violation of Title 21 United States Code, Section(s) 841(a)(1), 841(b)(1)(B) and 846.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

10/20/10 1:15 pm
The Honorable Jeffrey J. Keyes
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at

St. Paul, MN

City and State

Signature of Judicial Officer

Signature of Complainant

Douglas L. Henning

BCA

SCANNED

OCT 20 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF DOUGLAS L. HENNING
COUNTY OF RAMSEY)

1. I am a Special Agent and licensed peace officer employed with the Minnesota Bureau of Criminal Apprehension ("BCA"). I have more than fifteen years experience as a peace officer in Minnesota. I have been with the BCA for more than four years. I am assigned to the special investigations unit where I investigate narcotics related crimes. During my career in law enforcement, I have investigated various felony level crimes. I have also received training in narcotics investigations from a variety of federal agencies, as well as from the BCA. During my law enforcement career, I have conducted investigations into the unlawful possession, possession with intent to distribute, and distribution of controlled substances, and the associated conspiracies on both the State and federal levels. I have been involved in over 100 drug investigations.

2. This Affidavit is submitted in support of a Complaint against the following individuals charging them with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § § 841(a)(1), 841(b)(1)(B) and 846:

- (a) David Boder (hereinafter "Boder");
- (b) Casey Robert Knase (hereinafter "Knase"); and
- (c) Frank Edward Popesh (hereinafter "Popesh").

The facts set forth herein are based on my review of police reports, as well as conversations I have had with other law enforcement personnel.

3. On October 15, 2010, an undercover officer (hereinafter "UC"), working with a confidential informant ("CI"), met with Boder at the Grand Casino in Hinckley, Minnesota. The purpose of the meeting was to introduce the UC to Boder. The UC was posing as a supplier of marijuana and methamphetamine. The meeting was recorded. At the meeting, Boder stated that he mainly sells weed. He stated that he also sold methamphetamine and that he was looking for pound quantities of methamphetamine. At one point Boder boasted that he had sold at least one hundred pounds of methamphetamine. The UC gave Boder his telephone number and advised Boder to call him if Boder wished to purchase drugs from the UC.

4. On October 17, 2010, Boder telephoned the UC and stated that he was looking for about 15 pounds of marijuana. This conversation was also recorded. The UC advised he had sold all of his available marijuana. Boder asked if he could get methamphetamine instead. The UC told Boder that he would check

with his source on the availability of methamphetamine. Boder said that would be good. Boder stated that he could make some quick money with the methamphetamine. Boder told the UC that he had about ten thousand dollars to buy the methamphetamine.

5. In a later telephone conversation on October 17, 2010, the UC and Boder agreed to meet the next day near the City of North Branch. The UC advised Boder that he would sell Boder a half pound of methamphetamine for \$10,500.00.

6. Boder and the UC had several telephone conversations on October 18, 2010. During one of those conversations, Boder advised the UC that he was bringing his "partner" to the deal. Boder explained that his partner had provided some of the money to be paid for the methamphetamine. Boder stated that he would be in a tan/brown Chevy Tahoe.

7. Law enforcement conducted surveillance of the Tahoe traveling to the meet location. That Tahoe is registered to Lee Knase at the same residence as Casey Rober Knase. Knase was driving and Boder was the passenger. Immediately prior to arriving at the meet location, the Tahoe stopped at a gas station and dropped off Knase. Boder got in the driver's side of the Tahoe and drove to the meet location where he met with the UC in the UC's vehicle. The UC told Boder that the UC had brought one pound of methamphetamine. Boder told the UC that he only had money for a half a pound. Boder stated that he wanted the whole pound, and he asked the UC if the UC would front him the other half pound. The UC told Boder that Boder did not need a whole pound. The UC stated that they could cut the pound in half.

8. Boder told the UC that he wanted the whole pound and would pay the UC another \$10,500.00 the following week if the UC would front him the second half pound. The UC agreed to sell Boder the whole pound and showed Boder the methamphetamine. Boder then produced an amount of cash which he had brought with him. The money totaled \$10,500.00. The UC gave the arrest signal and Boder was taken into custody without incident. Boder was Mirandized. Boder agreed to waive his Miranda rights and be interviewed by law enforcement. Under the scope of Miranda, Boder admitted to coming to meet with the UC to purchase methamphetamine. Boder stated that Knase contributed part of the money to purchase the methamphetamine. Boder stated that Knase was supposed to receive a portion of the methamphetamine purchased. Boder indicated that Knase had given him approximately \$2000 - \$3000.

9. Law enforcement arrested Knase at the gas station where he had been dropped off. Under the scope of Miranda, Knase admitted that he had given Boder \$4500 of the money that Boder had given the UC. Knase stated, however, that he did not know what Boder was

going to do with the money.

10. Boder told agents that he wanted to cooperate and said the methamphetamine was supposed to go to a friend he identified as "Frank." Boder told agents that "Frank" had recently been arrested in Carlton County, Minnesota. Boder explained that when officers arrested "Frank," they found an "8-ball" or 3.5 ounces of methamphetamine on "Frank's" person. Boder stated that the officers missed two pounds of methamphetamine that were hidden in a cooler that "Frank" had with him. Using the information that Boder provided, I contacted law enforcement in Carlton County and was able to identify "Frank" as Frank Edward Popesh. Carlton County law enforcement still had custody of the cooler that Popesh had at the time of his arrest. Law enforcement checked the cooler and discovered the additional two pounds of methamphetamine that Boder had said was hidden inside.

11. As part of his cooperation, Boder made several telephone calls to Popesh. Boder represented to Popesh that the transaction had taken place and that he was headed to meet with Popesh to deliver Popesh's share of the methamphetamine. Boder and Popesh agreed to meet in Cloquet, Minnesota at approximately 7:00 p.m. on October 18, 2010. In one conversation between Boder and Popesh, Boder advised Popesh that he had "a whole one," meaning a pound of methamphetamine. In another conversation, Boder asked Popesh how much cash he had. Popesh said he had "four," meaning \$4,000.00.

12. On October 18, 2010, Popesh arrived late at the designated meet location. He had with him \$3,800.00 in cash.

13. Law enforcement obtained a search warrant for Popesh's house and found an indoor marijuana grow hidden inside a wall. Popesh had approximately 26 plants. Officers also found nine guns, including two handguns.

Further Your Affiant Sayeth Not.


DOUG HENNING

Special Agent

Minnesota Bureau of Criminal Apprehension

SUBSCRIBED and SWORN to Before Me

This 20 day of October, 2010


Jeffrey J. Keyes

United States Magistrate Judge